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*Attorneys for The SCO Group, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP,

Plaintiff/Counterclaim-Defendant

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff

**DECLARATION OF BRENT O.  
HATCH REGARDING THE  
EXHIBITS TO SCO'S  
MEMORANDUM IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT ON IBM'S SIXTH,  
SEVENTH AND EIGHTH  
COUNTERCLAIMS**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

I, Brent O. Hatch, declare:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.

2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm of HATCH, JAMES & DODGE PC, counsel for Plaintiff, The SCO Group, Inc., in the pending action.

3. Attached to SCO's Memorandum for Partial Summary Judgment on IBM's Sixth, Seventh and Eighth Counterclaims ("SCO's Memo for PSJ-GPL") and filed therewith as Exhibit A is a true and correct copy of General Public License.

4. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit B is a true and correct copy of the Declaration of Erik Hughes, dated December 7, 2004.

5. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit C is a true and correct copy of Erik Hughes Deposition Transcript, at 16, 37, 48, 51, 53, 57, 67, 72-73, and dated May 11, 2004.

6. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit D is a true and correct copy of Chris Sontog Deposition Transcript, at 208-209, 211, 221-223, and dated May 12, 2004.

7. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit E is a true and correct copy of the Declaration of Chris Sontog, dated November 30, 2004.

8. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit F is a true and correct copy of Erik Hughes Deposition Transcript, at 179, 181-182, 186, 188-189, 190-191, 194-195, 200-201, and dated March 2, 2006.

9. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit G is a true and correct copy of Erik Hughes Deposition Transcript, at 37-38, 60, 121, and dated November 11, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 25<sup>th</sup> day of September, 2006.

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

BOIES, SCHILLER & FLEXNER LLP

Robert Silver

Stuart H. Singer

Stephen N. Zack

Edward Normand

By:



*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of September, 2006, I caused to be served a true and correct copy of the foregoing by CM/ECF or by U.S. Mail, postage prepaid, to the following:

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A handwritten signature in black ink, appearing to be "GMA", is written over a horizontal line.